

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JORGE ANTONIO ALVARADO	§	
v.	§	CIVIL ACTION NO. 6:14cv738
WARDEN EDGAR BAKER, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Jorge Alvarado, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Alvarado initiated his lawsuit by seeking a temporary restraining order, asking the Court to order prison officials to do “any and everything available to them in protecting the prisoner’s life, health, and safety,” possibly including a unit transfer. The magistrate judge issued a report recommending that the request for injunctive relief be denied. A copy of this report was sent to Alvarado at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined the report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989)

(where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the report of the magistrate judge (docket no. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a temporary restraining order (docket no. 1) is **DENIED**.

SIGNED this 23rd day of September, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE